UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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ANTHONY T. MACKEY,

Plaintiff,

v.

02 Civ. 1707(BSJ)(RLE)

ORDER

P.O. 3803 DICAPRIO, et al.,

:

:

DefendantS.

BARBARA S. JONES UNITED STATES DISTRICT JUDGE

Upon my review of Magistrate Judge Ronald E. Ellis's Report and Recommendation dated December 23, 2008 (the "Report"), and in the absence of any objections thereto, I hereby confirm and adopt the Report in its entirety, finding no clear error on the face of the record. See Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Accordingly, due to plaintiff's failure to prosecute this action, it is dismissed. The Clerk of Court is directed to close this case.

SO ORDERED:

BARBARA S. JONES

UNITED STATES DISTRICT JUDGE

Dated: New York, New York

January 21, 2009

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